



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's comments on the Marine  
Management Organisation's Deadline 4 Submission

**Revision A**  
Deadline 5  
June 2023  
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<b>Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Examination submission</b>	
<b>The Applicant's comments on Marine Management Organisation Deadline 4 Submission</b>	
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## **1 The Applicant's comments on Marine Management Organisation Deadline 4 Submission**

1. This document presents the Applicant's comments on the Marine Management Organisation's Deadline 4 submission [REP4-048].

**Table 1 The Applicant's comments on Marine Management Organisation Deadline 4 Submission**

ID	MMO Comment	Applicant Comments
<b>1 General Comments</b>		
1.1	The MMO are continuing to engage with the Applicant regarding any matters still under discussion within the Statement of Common Ground (SoCG) and will be able to provide an update for Deadline 5.	The Applicant confirms that it is intending to submit a final SoCG with the MMO at Deadline 6.
1.2	The MMO note that documents submitted at deadline 3 were uploaded to the PINS website on Friday 5th May. This has created a short review period for the MMO and has resulted in the deferral of some responses to deadline 5.	Noted.
<b>2 Comments on any other information and submissions received at Deadline 3</b>		
<b>2.1 REP3-115 Marine Mammals Technical Note and Addendum</b>		
2.1.1	The MMO welcome the inclusion of the Marine Mammals Technical Note and Addendum. The MMO is currently reviewing this document and will provide any comments for Deadline 5. As noted in the Issue Specific Hearings, if resolutions are able to be made between the applicant and the MMO prior to deadline 5, the MMO will endeavour to undertake discussions earlier.	Noted. The Applicant will work with the MMO to resolve any outstanding matters with respect to REP3-115 ( <b>Marine Mammals Technical Note and Addendum</b> ) within the timescales of the Examination.
<b>2.2 REP3-012 Draft Development Consent Order (Revision F)</b>		
2.2.1	The MMO have carried out a brief review of the revised Draft Development Consent Order (dDCO). Initial comments are below, however, the MMO anticipate further comments will be provided for Deadline 5.	Noted. The Applicant will review the MMO comments at Deadline 5 and respond at Deadline 6 as appropriate.
2.2.2	The MMO welcome the inclusion of extended timeframes for post-consent documentation as agreed within the SoCG (REP3-078) between the MMO and Applicant.	Noted. The Applicant also welcomes this and considers this matter closed.
2.2.3	Schedules 10 & 11 Part 2 (15)(1), Schedules 12 & 13 Part 2 (14)(1) – Whilst the MMO still disagrees with a condition which places a time constraint on approval of post-consent documentation, the MMO note that the condition has not been amended to reflect the updated timeframe of the Site Integrity Plan submission to six months.	Condition 15(1) of Schedules 10 and 11 and 14(1) of Schedules 12 and 13 of the <b>draft DCO (Revision H)</b> [document reference 3.1] state that submission of documents must be “at least four months prior to the intended commencement of licensed activities, <u>except where otherwise stated</u> or unless otherwise agreed in writing by the MMO” (underline added) and the SIP condition itself (condition 14(3) of Schedules 10 and 11 and condition 13(3) of Schedules 12 and 13) refers to a 6 month

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		timescale so it is not strictly necessary to amend 15(1) or 14(1). However, for the avoidance of doubt, the Applicant has amended 15(1) and 14(1) to remove the cross reference to the SIP condition in the <b>draft DCO (Revision H)</b> [document reference 3.1].
2.2.4	The MMO welcome the inclusion of a Sediment Sampling Condition (condition 23 – Schedule2 10 & 11, condition 22 – Schedules 12 & 13), and Collaboration Condition (condition 24 – Schedule2 10 & 11, condition 23 – Schedule2 12 &13).	The Applicant notes this matter is agreed in the <b>Draft SoCG with the MMO</b> [REP3-078] (ID 3 of Table 7) and considers this matter closed.
<b>2.3 APP-097 Marine Mammal Ecology</b>		
2.3.1	In the MMO's Deadline 3 response (REP3-133) provided additional comments on the Marine Mammal Environmental Statement Chapter (APP-097). The MMO noted that justification had been provided by the applicant as to the use of Temporary Threshold Shift-onset thresholds as a proxy for disturbance and would review for Deadline 4. Given the submission of the Marine Mammals Technical Note It is the MMO's intention to review this document alongside the Applicants comments and provide additional comments for Deadline 5.	Noted.
<b>2.4 REP3-105 The Applicant's comments on the Marine Management Organisation's Deadline 2 Submissions</b>		
2.4.1	ID 2.1 – 2.1.1 – The MMO notes the Applicant's discussion with the Maritime and Coastguard Agency and have discussed the appropriateness of this provision with the applicant direct. The MMO are currently satisfied with the Applicant's intention for the provision and will provide further comment following submissions at deadline 4.	<p>Noted. The Applicant discussed and agreed the following amendments to the relevant conditions within the <b>Draft DCO (Revision G) (Tracked)</b> [REP4-004]:</p> <p><u>Condition 5 of Schedules 10 and 11</u></p> <p>5.—(1) <i>The undertaker must issue to operators of vessels under the undertakers control operating within the Order limits a code of conduct to <del>prevent collision</del> reduce risk <del>or</del> of injury to marine mammals.</i></p> <p>5(2) has been deleted.</p> <p><u>Condition 13 of Schedules 10 and 11</u></p> <p>13(1)(c)(vii): '(vii) <i>codes of conduct for vessel operators;</i>' to be deleted</p>

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		<p>13(1)(d) as a new sub-paragraph (vii): <i>'a code of conduct for vessel operators to reduce risk of injury to mammals'</i></p> <p>Equivalent updates have been made within Schedules 12 and 13.</p> <p>This matter is therefore considered to be closed.</p>
2.4.2	<p>ID 4.7.1 – 4.7.7 – As has been stated within the MMOs deadline 3 submission, including the MMOs written summary of oral submissions at the issue specific hearings, there are still concerns regarding the drafting of article 5. The MMO does not intend to reiterate these here, and notes that this is a point of agreed disagreement within the Statement of Common Ground.</p>	<p>Noted. This matter is marked as 'Not agreed – no material impact' within the <b>Draft Statement of Common Ground with Marine Management Organisation (MMO) (Revision B)</b> [REP3-078], .</p>
2.4.3	<p>ID 4.7.8 – 4.7.9 – The MMO notes the notification the applicant intends to provide regarding the transfer of the DMLs, however reiterates that no transfer can physically happen to the DMLs without a variation request submitted to the MMO. In past projects the MMO are aware of a notification of the intention to transfer, which has been used to start the variation process.</p>	<p>Noted. The Applicant has acknowledged that a variation to the DML(s) would be required in the event the benefit of a DML is transferred pursuant to Article 5 of the <b>draft DCO (Revision H)</b> [document reference 3.1].</p>
2.4.4	<p>ID 5.1. – The MMO note that they were notified of the intention to withdraw the sampling request for 2023. There has been subsequent work to include sampling requirement conditions within the DMLs. The MMO and the Applicant have agreed on this approach, and the condition wording has been included within the DMLs.</p>	<p>See response at 2.2.4.</p>
2.4.5	<p>ID 5.2 – 5.7 – The MMO note the applicants position to continue the discussion of disposal site characterisation post consent, and the intention to apply for an additional licence to cover the disposal of sediment to sea. The MMO is content that an additional licence application can allow the assessment of impact when more specific information is known.</p>	
2.4.6	<p>ID 8.9. – The applicant has raised this comment in regards to the use of “materially” – “This approach is entirely in accordance with general planning and EIA principles and the process routinely undertaken to apply for amendments and variations of any consent in an EIA context, in particular the tests to be considered by the decision maker for a non-material change</p>	<p>The Applicant has set out why it considers its wording to be appropriate and will not be making any amendments to remove the word “materially” or provide a definition. This is an area of disagreement (still to be determined whether considered by the MMO to be material or not) and will</p>

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	<p>request as set out in the Planning Act 2008: Guidance on Changes to Development Consent Orders.”</p> <p>The MMO reiterate that the DMLs, once made, fall under the Marine and Coastal Access Act 2009 (MaCAA), and not under the Planning Act. The DMLs are enforceable under MaCAA, and there is no allowance for the use of materially when used in this context under MaCAA. There is also no interpretation for a “material difference” in the Marine Works (Environmental Impact Assessment) Regulations 2007. The MMO ask that either the word “materially” is removed from the provision wording, or a definition for “materially” be included within the DMLs.</p>	<p>be recorded as such in the next iteration of the SoCG with the MMO anticipated to be submitted at Deadline 6.</p>